

(As of August 1, 2005)

Section 3-103. Reapportionment and Reapportionment Years --

1. The year 1991 and every tenth year thereafter shall be reapportionment years.

2. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The presiding officer of the council shall, with the approval of the council, select the members of the commission, no more than a majority of who shall be from the same political party.³

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by majority vote of its membership and shall establish its own procedures. The members of this commission shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to the provisions of this section, Section 3-114, and Section 3-502 of the charter. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. No member of the commission shall be eligible to become a candidate for election to the council in the initial election held under any reapportionment plan adopted by the commission.

The city clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The council shall appropriate funds to enable the commission to carry out its duties.

3. In effecting reapportionment, the commission shall be guided by the following criteria:

(a) No district shall be so drawn as to unduly favor a person or political faction.

(b) Districts, insofar as practicable, shall be contiguous and compact.⁴

(c) District lines shall, where possible, follow permanent and easily recognized features, and, when practicable, shall coincide with census tract boundaries.

4. On or before January 2 of the year following appointment, the commission shall file with the city clerk a reapportionment plan, which shall be applicable to the next succeeding election at which councilmembers are elected to regular terms.

5. Any duly registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days after the filing of a reapportionment plan.

6. In order to commence the staggering of councilmembers' terms in accordance with Section 16-122, the reapportionment plan for 2002 shall retain the council district numbering of I, II, III, IV, V, VI, VII, VIII, and IX. (*Reso. 83-357 and 88-242; 1992 General Election Charter Amendment Question Nos. 17, 32A(14); 1998 General Election Charter Amendment Question No. 8(II); Reso. 02-39*)

³To be "from the same political party," within the purview of the city and county charter provision governing composition of reapportionment commission, means to be a member of the same political party recognized as such by that party and the member. *Coray v. Koga*, 56 Haw. 519, 542 P.2d 1272 (1975).

⁴City charter criteria require compact and contiguous council districts, and do not refer to communities. *Kawamoto v. Okata*, 75 Haw. 463, 868 P.2d 1183 (1994), reconsideration denied, 75 Haw. 580, 871 P.2d 795.